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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-----------------------|---------------------|------------------|
| 10/037,092 | 10/22/2001 | Javier Janez Gonzalez | 34649-460USPT | 5903 |

7590 09/07/2005

Daniel G. Nguyen
Jenkins & Gilchrist
A Professional Corporation
1445 Ross Avenue, Suite 3200
Dallas, TX 75202

| EXAMINER |
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LESNIEWSKI, VICTOR D

| ART UNIT | PAPER NUMBER |
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2152

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

87

Office Action Summary

Application No.

10/037,092

Applicant(s)

GONZALEZ ET AL.

Examiner

Victor Lesniewski

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>6/10/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment filed 6/10/2005 has been placed of record in the file.
2. Claims 1, 4-9, 12, 14, 17-22, 27, 29, 30, 33, 35, and 36 have been amended.
3. Claims 39-48 have been canceled.
4. The objection to claim 12 is withdrawn in view of the amendment.
5. The rejection of claims 1-38 under 35 U.S.C. 112 is withdrawn in view of the amendment.
6. Claims 1-38 are now pending.
7. The applicant's arguments with respect to claims 1-38 have been fully considered but they are not persuasive. A detailed discussion is set forth below.

Information Disclosure Statement

8. The IDS filed 6/10/2005 has been considered.

Response to Amendment

9. Claims have been amended to overcome a claim objection and claim rejections under 35 U.S.C. 112. The amendments do not prove a change in scope to the limitations of claims 1-38.

Claim Rejections - 35 USC § 103

10. Claims 1-38 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Oh et al. (U.S. Patent Number 6,519,458), hereinafter referred to as Oh, in view of Godlewski (U.S. Patent Number 6,421,354) as stated in the previous action mailed 3/7/2005.

Response to Arguments

11. In the remarks, the applicant has argued:

- <Argument 1>

The combination of Oh and Godlewski does not disclose the features of claim 1 because it does not disclose “issuing an acknowledgment message from said Internet server to said remote terminal unit via said communication module” as recited in claim 1.

12. In response to argument 1, the combination of Oh and Godlewski does disclose issuing an acknowledgment as recited in claim 1. The applicant is again directed to the paragraph beginning at column 7, line 46 of Godlewski where Godlewski clearly states a command handler to send messages (including acknowledgments) to the communicators of the system. The applicant has argued that “Godlewski discloses sending acknowledgment messages to the communicators and not to the remote terminal unit via the communication module as claimed.” However, Godlewski’s communicators are client devices and are analogous to the mobile terminals of Oh’s system. Further, it has already been seen that Oh discloses communications between a server and a mobile terminal via a communication module. Thus, the combination of Oh and Godlewski satisfies the limitation of “issuing an acknowledgment message from said Internet server to said remote terminal unit via said communication module” as recited in claim 1. It is noted that the above mentioned paragraph of Godlewski also refers to the communicators of the system receiving instruction messages which relates to the applicant’s remarks regarding similar claim 27.

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13. In addition, the applicant has argued that claims rejected under 35 U.S.C. 103, but not explicitly discussed, are allowable based on the above arguments. Thus, claims disclosing similar limitations to the discussed claims and related dependent claims remain rejected under the same reasoning as presented above.

Conclusion

14. **THIS ACTION IS MADE FINAL.** The applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Lesniewski whose telephone number is 571-272-3987. The examiner can normally be reached on Monday through Thursday.

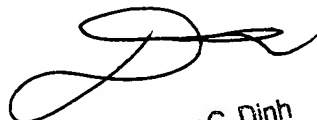
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Victor Lesniewski
Patent Examiner
Group Art Unit 2152



Dung C. Dinh
Primary Examiner